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621 except in villages like Boniville where the issue of several lineages
[591] coexist. The rule is that in the homogeneous villages the mem-
bers of the lineage are entirely free to build their houses anywhere.
One observes only a certain tendency of children to group them-
selves around their mother as far as places are available (see
especially in the village of Loka the intermingling of the homes
of the descendants of Adédumi, Awēnkina, and other ancestresses
belonging to the same lineage).

In villages like Asisi-Awara Bakka, where are grouped the
members of a lo including individualized fractions, it is the same.

These fractions have no tendency whatever to form separate
quarters (see in the plan of Asisi the intermingling of the homes
of the Aw.B.1, 2, 3) any more than they tend to group their
clearings in a separate area.

The Boni are apt to say: "Barriers must not be raised be-
tween brothers."

621 In a general way, examination of the village plans shows
• 425 that the Boni build their houses to suit themselves without any
privileged orientation and without grouping or isolating them in
any special way. Any member of the lineage may build on a site
left free (for example, the site of an old hut after the death of
its owner, when it has been adjudged to be too ruined to be possi-
[622] ble to give as a legacy). He must only have the authorization of
the head of the village and also the assent of the neighbors, whom
he must not disturb. Since the houses occupy only a small
amount of space and most of them have no outbuildings (kitchen
[598] or granary), this assent is very easily given. We have never
heard it said that people argued about a site.

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Land held by right of use cannot be sold nor rented, but only loaned. Neither can it be transmitted by inheritance; this would be entirely contrary to the thinking and custom of the Refugee Blacks, hostile to everything that would violate the legal joint possession of the lineage. Inheritance can affect only the harvest in process from clearings. Once this harvest is made, the land can be occupied by any member of the lineage, man or woman, who wishes to cultivate it; and if there is any dispute, it is obligatorily settled within the lineage; the grand man would refuse to judge it. Kinship degree /178/ does not enter in, at least in principle, since they can say to each other "brother," "uncle," or "grandfather" in the classificatory sense.

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The only attenuation of the rigor of this principle provided for by custom is that upon the death of a woman, her daughters have a right of priority to utilize her lands.

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The Refugee Blacks have a clear tendency to remain faithful all their lives to the same clearings. The study we have made of the clearings in Boni country gives poor information on the history of each clearing, for it would have been necessary to be able to consult on the spot a large number of people, which we were not able to do; nevertheless it allows us to state that in the neighborhood of the residence villages, individuals keep their right of use of a clearing for the length of their lives.

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Here is for example the transmission of rights over clearings 101 to 112 /sic/ (see genealogical table of the Dju lo) (1).

1. See plate at the end of this work: Distribution of lands in the neighborhood of the principal Boni villages.

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Thus out of ten clearings we find only two cases where a member of the lineage gave his right of use to another during his lifetime; in four cases the right of use was taken over by a daughter upon the death of her mother; in two cases it passed to a distant relative.

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Anyone, man or woman, may hold rights of use. But examination of the clearings shows that the great majority of men do not ask for any, and that nearly all the land is appropriated by women. In the example noted, out of ten clearings only one is appropriated by a man. This derives from the fact that most men are content to cut their wives' clearings on their wives' lands but do not bother to farm on their own account.

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Each woman holds rights of use over a certain number of clearings distributed in the different territorial zones of her lineage. It is important to have, so to say, many cords to one's bow, for it is necessary to be able, according to the activity of the manioc ants, to pass from one sector to another or on the contrary to work prematurely a clearing which one was hoping to leave fallow for several years.

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For example, Tini (F1) holds rights over six to seven clearings. For one (No. 104), she created the right of use on her own behalf by clearing it out of old secondary forest without any known owner. As for another (No. 107), she received it from Loka (D13), a distant relative, as a gift during his lifetime. As for the others (for example No. 106), she created the right on her own behalf by farming them first upon the death of their holder.

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The right of use can be loaned, either to a member of the lineage or even to an outsider. It is specified that the loan is made for a certain number of years and that it is revocable. In such a case the donor does not lose his right of use.

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Real right. The principle is that he who makes a clearing out of primary forest (or old secondary forest without a known owner) creates at the same time as a right of use for himself, an impre-scriptible right for his lineage.

These two notions are very separate in the minds of the Refugee Blacks. The exercise of a right of use, even over a long period of time, over land already recognized as the possession of another lineage does not create any real right at all.

For example, O Béniti † 1953 (E5), an old woman of the Dju lo, had founded a farming habitation in the Kuyaku locality, where she worked the earth for several tens of years. But since these lands, even though unoccupied, were regarded as belonging to the Dipélu II lo (Kormotibo village), Béniti's work did not create any right at all for the Dju lo. If her daughters do not agree and if the habitation disappears, it is people of the Dipélu II lo who will be able to occupy the lands.

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Consequences of the material scission of a lineage. When fraction A' of lineage A emigrates and goes to settle on the land of another village, B, which cedes a portion of land to it, the members of fraction A', thus separated, keep all their rights over the land from which they originally came. But the reverse is not true: the people who remained in the village of origin of the lineage (A) have no right over the land ceded to the A' out of B's territory.

At the end of a certain time, and especially if the lineage (B) had never really occupied the land granted, it is assumed that the lineage (A') is possessor of it without restriction.

This was the case for example of the fraction of the Dipélu II who left Kormotibo village about 1930 to establish themselves in Asisi near the Awara Bakka lineage. The Awara Bakka granted them some unoccupied lands near Asisi village in the Tapo locality.

(62) This fraction, now numbering about 30 persons, considers that it has exclusive rights over these lands where the Kormotibo people cannot come to farm, but it has lost nothing as regards its rights over Kormotibo soil.

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[174] Case of the village of Boniville. This village constitutes an especially interesting case, for it brings together small fractions of the various lineages permanently settled there. It helps one to understand what the territorial implantation of the Refugee Blacks may have been toward the end of the 18th century at the time when their institutions were developing.

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[643] The principle is that the Boniville lands belong to the grand man, the last representative of the Dikan lineage; he granted individually to the inhabitants of the village the right to farm his lands. These inhabitants thus hold only a right of use, and there can be no competition among them for the possession of the real rights. But the principle of transmission of the right of use in the same lineage remains for each clearing taken separately. For example, Klémenti (Dju, F7), who made a clearing out of primary forest, concedes that after him his land may be occupied by any member of the Dju lineage residing in Boniville, but not by Dju lineage members living in Asisi. /81/

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621 Few in number on a relatively extensive territorial sector, the inhabitants of Boniville have not felt the need to divide the sector granted by the grand man into precise territorial zones. It is difficult to foresee what will happen after the death of Grand Man Difou when the rights of use will be transformed into real rights. 423
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613 It is probable that a territorial division among the fractions of the lineage established in Boniville will be imperceptibly created by the simple fact that competition will arise among them.

423 Fishing, hunting, gathering, and mineral exploitation rights. These rights are totally separate from the right to farm; in this respect the conceptions of the Refugee Blacks reveal the precariousness of the bonds between the individual and the soil, which results from ecological conditions.

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423 The right to fish in certain rivers is held by lineages; other
222 rivers are regarded as property common to the inhabitants of a
613 village, whatever their kinship may be.

621 For example, the right to fish in Kumata Kiki, a small
• (425) creek of the Surinam bank, near the village of Kotika, is reserved
for members of the Lapé lineage (the members of this lineage
farmed there formerly, but they abandoned these lands, currently
farmed by the Kotika people).

Maripa and Likanaon creeks, downstream from Boniville,
are reserved for the inhabitants of Boniville.

Asisi Creek is reserved for the inhabitants of Asisi (Dju,
Awara Bakka, and Dipélu II lineages).

423 The right to hunt cannot be reserved; everyone has the right
(224) to hunt anywhere.

(222) The right to gather and the right to cut trees for making
pianks or boats is generally bound up with the right to farm.

(313) The right to collect underground products is completely
423 independent of the right to farm. For example, if someone finds
316 a seam of kaolin (pemba) on the lands of another lineage, he
317 exploits it freely. This aspect of the legal conceptions of the
Refugee Blacks is very interesting, for it shows that even from the
423 point of view of customary law, the grand man is not entitled to
316 exercise any rights over the production of the Creole gold miners.
648 He could demand indemnities only insofar as these gold miners
farm lands over which the Boni exercise customary rights. The
interminable discussions which the claims of Grand Man Anato
brought on at the time of the Lawa gold rush at the end of the past
century would have been avoided by a better knowledge of the
customary law.

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[184] under pain of losing their rights, to occupy the soil to the maximum. Besides, settled very far from their residence villages, they are led to creating more lasting establishments.

Among the Boni, farming habitations do not amount to much, built carelessly (to designate them one says kɛpu (camp), and the groups who work there are not very stable.

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[184] However, the principles of establishment and functioning of farming habitations are exactly the same for the two tribes and result on the whole from the customary laws which, among the Refugee Blacks, govern the possession of land:

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[613] 1) When a man cuts a clearing in a zone which has never had any human establishment, he creates at the same time as a right of use for himself an imprescriptible real right for his lineage (bɛɛ) or more precisely for the fraction of the lineage living in the same village and subject to the same authority;

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[613] 2) This right is joint; at the death of an individual, anyone of that fraction of his lineage may occupy the lands he used to cultivate habitually. If there is a dispute, it must be settled within the framework of the lineage; /101/ /Fig. 17 appears here/ /102/

3) The extent of the zone over which this right is exercised is limited only by the zones over which other rights are exercised.

We have seen what mode of occupation of the soil resulted from these laws in the neighborhood of the "great villages." Here the distribution of lands among the farming habitations follows practically the same laws, whose effects are less rigorous, considering the very low density of occupation of the soil.

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[361] 1) It is taken for granted that an isolated establishment in a quasi-deserted zone does not create lasting rights. If it happens to disappear, anybody may come to settle there after ascertaining from the first occupant that he no longer needs the place (such is the case with the very scattered establishments south of Simayé Falls up to Indian country; they do not create real territorial rights for the benefit of any lineage whatever.

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2) On the contrary, from the time that occupation of a region becomes habitual, even by groups of small numerical importance, people pay attention to the attribution of the lands.

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Thus it is assumed that the west bank of the Lawa south of the Atikati habitation up to Simayé Falls has belonged, since the end of the last century, to the Lapé lo, which was occupying it in 1957 by the Paako, Samo, Pwen, Saléni, and Makélé habitations.

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3) Within each zone the rights remain joint and anyone of the same lo may come to settle there. Thus the farming habitations move around, but within a definite sector. Thus for example Kwaku (Lapé) abandoned in 1954 his habitation situated in the lands of the Lapé lineage (it was too damp in the rainy season, he prefers to content himself with the lands of the "great village"). He does not lose his rights because of this. If he decides eventually to come back, he will settle anywhere in the zone attributed to the Lapé lo.

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It goes without saying that if the population were more dense, such a principle would be difficult to apply and that serious disputes would arise. But this mode of occupation of the soil is perfectly suitable, in their present situation, for the tribes of the Refugee Blacks, for it allows them to practice, with a minimum of friction, the seminomadism which the geographical environment and especially the mantoc ant impose.

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The zones occupied by the farming habitations rarely have a single holder: most often they are divided into separate sectors on different parts of the river.

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Actually, as we have seen around the "great villages," each lineage possesses a certain number of "dégrads," or landing places, from which paths radiate. Each "dégrad" is rigorously reserved for the members of a lineage. The occupants of a farming village radiate from around their landing place until they